

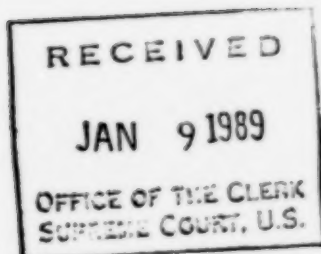
IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1988

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No. 87-6571

DETHORN GRAHAM, PETITIONER

v.

M. S. CONNOR, ET AL.



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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT  
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RESPONDENTS' AND STATE OF NORTH CAROLINA'S  
JOINT MOTION FOR DIVIDED ARGUMENTS  
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NOW COME the respondents and the State of North Carolina,  
pursuant to Rule 38.7, and move the Court to allow the  
respondents to divide their argument, and show unto the Court:

1. The respondents' brief in this matter does not address  
a particular standard to be adopted by this Court in § 1983  
cases involving a seizure under the fourth amendment. The  
respondents' brief contends that under any standard the facts of  
this case do not warrant a trial by jury.

2. The brief for the State of North Carolina addressed the  
appropriate standard this Court should adopt in all § 1983 cases  
involving a seizure under the fourth amendment.

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3. An argument by the State of North Carolina, as amicus for the respondents, will provide assistance to this Court on the appropriate standard to adopt in all cases while the respondents can better address the particular facts of this case.

4. The State of North Carolina, as all other sovereign states within the Union, has an interest in the standard that this Court adopts. The primary responsibility for law enforcement belongs to the states and not the federal government. North Carolina contends the standard proposed by the petitioner will lead to needless injury and death of state and local officials who face civil liability with every use of force and, therefore, may hesitate to use it for their own protection. This argument needs to be presented to this Court.

5. The United States Government, as amicus for the petitioner, has obtained permission from this Court to divide the petitioner's argument into twenty minutes for the petitioner and ten minutes for the United States Government. The primary focus of the Government's argument will be the criminal aspects of a civil rights violation and not from a civil liability standpoint.


6. The respondents and the State of North Carolina move this Court to divide its argument into twenty minutes for the respondents and ten minutes for the State of North Carolina, amicus curiae.

7. Such a division will not require additional time for the respondents.

8. Upon approval, Isaac T. Avery, III, Special Deputy Attorney General, will appear and argue for the State of North Carolina.

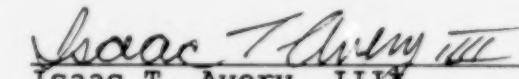
WHEREFORE, the respondents and the State of North Carolina, amicus curiae in support of respondents, pray that this Court divide the argument into twenty minutes for the respondents and ten minutes for the State of North Carolina.


Respectfully submitted, this the 6<sup>th</sup> day of January, 1989.

  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this day served a copy of the foregoing Motion for Leave to File Out of Time Motion for Divided Argument and Respondents' and State of North Carolina's Joint Motion for Divided Argument upon the persons indicated below by depositing copies of same in the United States mail, first class postage prepaid, addressed as follows:

H. Gerald Beaver  
BEAVER, THOMPSON, HOLT & RICHARDSON, P.A.  
P. O. Box 53247  
Fayetteville, North Carolina 28305

This the 6th day of January, 1989.

Isaac T. Avery, III  
Isaac T. Avery, III  
Special Deputy Attorney General